**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No.25767 of 2007**

Between:

Sri Anand Mor.

.. PETITIONER

and

The Special Grade Deputy Collector and another.

.. RESPONDENTS

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**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No.25767 of 2007**

**ORDER:**

It is the case of the petitioner that he is the owner and possessor of the lands admeasuring Ac.2-32 gts. in Sy.No.731/A and Ac.2-32 gts. in Sy.No.731/B situated at Shameerpet Village and Mandal, Ranga Reddy District, and the said lands were purchased by him through a registered Document No.5844 of 2007, dated 24-03-2007, from one Sri M.Salaiah, S/o. M.Balaiah. After purchase of the said land, the petitioner filed an application before the 2nd respondent on 28-03-2007 for issuance of pattadar pass books and title deeds. Accordingly, the 2nd respondent after issuing notice under Section 5(3) of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short "the Act"), calling for objections, passed an order in proceedings No.B/443/07, dated 28-05-2007, to register the name of the petitioner in column No.12 in the place of previous owners namely M.Salaiah and another. Thereafter, the 2nd respondent addressed letter No.B/1667/07, dated 20-10-2007, to the 1st respondent for cancellation of mutation orders. Accordingly, the 1st respondent issued letter No.A2/4984/2007, dated 26-10-2007, to the petitioner directing him to appear before the 1st respondent either in person or through an Advocate.

The petitioner questions the said letter on the ground that the 1st respondent is the only Appellate Authority under Section 5(5) of the Act against any order passed by the Mandal Revenue Officer. In the absence of any appeal filed by an aggrieved party, it is not just and proper for the Appellate Authority to entertain a letter, as if an appeal against the order of the Tahsildhar.

Learned Government Pleader for Revenue appearing for the respondents submits that under Section 9 of the Act, it is open for the Collector either suo motu or an application made to him, call for and examine any record of the Recording Authority, Mandal Revenue Officer or Revenue Divisional Officer and to modify or reverse or remit for reconsideration.

I find force in the said contention. I am of the prima facie opinion that the letter cannot be treated as an appeal. However, it is open for the 2nd respondent to file an application before the Collector and it is also open for

the Collector either on a letter or an application or suo motu entertain a revision and take appropriate action as contemplated under Section 9 of the Act.

Accordingly, the writ petition is disposed of directing the 1st respondent not to take any further action pursuant to the impugned notice. But, it is open for the 2nd respondent to make an application before the District Collector to rectify the mistake for cancellation of the mutation orders and it is open for the District Collector to take appropriate action in accordance with law either on an application or any letter addressed by the 2nd respondent. There shall be no order as to costs.

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04-12-2007

Prv